

MEMORANDUM

November 29, 2019

TO: County Council

FROM: <sup>GO</sup> Glenn Orlin, Deputy Director

SUBJECT: Bill 36-18, Transportation Management - Transportation Demand Management (TDM) Plan – Amendments

PURPOSE: Worksession and Action

In reviewing our staff report again, we found two sets of errors. First, while the text in the bill describing the type of TDM plan required in Red Policy Areas is correct (©19-20, Lines 476-480), the table at the bottom of Page 5 of the staff report, summarizing the T&E Committee's recommendation, is incorrect. The correct table, with the corrections shown in italics, is below:

SSP Area Type	No requirements	Level 1 Basic	Level 2 Action	Level 3 Results
Red	<i>N/A</i>	<i>≤40,000</i>	N/A	<i>&gt;40,000</i>
Orange	<40,000	40,000-80,000	>80,000-160,000	>160,000
Yellow	<60,000	60,000-150,000	>150,000	Not Required

Second, while the text in the bill describing the requirements of Level 2 and Level 3 plans is correct (©22-27, Lines 550-683), the summary on Page 8 is not; that summary includes elements of the draft Executive Regulation that is not part of the bill, and it mixes some Level 3 requirements with Level 2. Please replace Page 8 with the corrected version, attached.

We regret any confusion this may have caused.

Level 2 Action plans require of the applicant/owner in Orange and Yellow areas all the elements of Level 1 plans, plus:

- Identifying specific actions to be implemented by the applicant/owner to achieve the NADMS goals.
- Requiring that a project-based Action Plan demonstrate over time that it is making measurable progress towards NADMS goals.
- Committing funding to implement the specific actions.
- Self-monitoring of progress. This would be in addition to any monitoring DOT chooses to do.
- Submitting a biennial progress report.
- Adding or substituting strategies if the initial set of strategies have not made progress towards the goal within four years after final occupancy.
- Committing a higher level of funding if the project still has not made progress towards the goal within six years after final occupancy.

Level 3 Results plans<sup>1</sup> require all the elements of Level 2 Action plans, plus the following:

- Committing funding if the project has not actually achieved the goal within six years of final occupancy, not merely making progress towards the goal, as in a Level 2 plan.
- Higher additional funding if the project has not achieved the goal within eight years of final occupancy.
- Independent monitoring to determine if the project is meeting its goals, until the project's goals are achieved.

Under both Level 2 and Level 3 plans, if a project has contributed towards achievement of the NADMS goal for multiple years, then it may be eligible for annual performance incentives, including reductions in TDM fees or other financial benefits as established in the upcoming Executive Regulation.

**8. Section 42A-26(a).** Regarding DOT's approval of a project-based TDM Plan, the Leggett Bill would state:

This approval must be obtained prior to Planning Board approval of the application, or prior to Department of Permitting Services approval for projects not requiring Planning Board action.

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<sup>1</sup> Level 3 plans are not required in Yellow areas.